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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REQUEST FOR CONTINUED EXAMINATION (RCE)

TRANSMITTAL FORM (37 C.F.R. § 1.114)

DOCKET NO. 10191/3399	APPLICATION SERIAL NO. 10/691,108	EXAMINER LAN VIHN	ART UNIT 1765
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INVENTOR(S):
Klaus BREITSCHWERDT

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: Feb. 7, 2007

Signature: [Signature]

This is a **request for continued examination** under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. 10/691,108 filed on October 22, 2003 entitled **DEVICE AND METHOD FOR ANISOTROPIC PLASMA ETCHING OF A SUBSTRATE, PARTICULARLY A SILICON ELEMENT**. The following constitute the submission **required** by 37 C.F.R. § 1.114(a) and is attached:

- ☒ Rule 116 Amendment (previously submitted on December 22, 2006)
☐ Information Disclosure Statement
☐ Drawing Changes
☐ Other Submission:

1. The filing fee for this RCE and the required amendment/submission is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached. Amendment/submission. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE (\$) PER CLAIM	FEE (\$)
BASIC FEE						790.00
TOTAL CLAIMS	2	MINUS	5	0	50.00	0.00
INDEPENDENT CLAIMS	2	MINUS	4	0	200.00	0.00
MULTIPLE DEPENDENT CLAIM					360.00	
				Number extra must be zero or larger	TOTAL	790.00
If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.						SMALL ENTITY TOTAL 00

02/13/2007 GWORDDF1 00000025 110600 10691108

01 FC:1801 790.00 DA
NY01 130904191

02/13/2007 GWORDDF1 00000025 110600 10691108
02 FC:1252 450.00 DA

2. Please charge the required RCE and submission filing fee of **\$790.00** to the deposit account of **Kenyon & Kenyon LLP**, Deposit Account Number **11-0600**.
3. Applicants hereby respectfully request a **three-month extension of time** in which to respond to the Final Office Action dated August 8, 2006 for which a response period expiring on November 8, 2006 was set. The extended period expires on February 8, 2007. **Applicants previously requested and paid \$450.00 for a two-month extension of time with their Rule 116 Amendment filed on December 22, 2006. Since Applicants have already paid \$450.00 for this two-month extension of time, the fee of \$1,020.00 for the one-month extension must be reduced by \$450.00, leaving a balance due of \$570.00.** The Commissioner is hereby authorized to charge payment of the balance due of **\$570.00** of the 37 C.F.R. § 1.136(a) extension fee to the deposit account of **Kenyon & Kenyon LLP**, deposit account no. **11-0600**.
4. Notwithstanding the above paragraph 3, the Commissioner is hereby authorized to charge to Kenyon & Kenyon LLP Deposit Account No. **11-0600**, payment of any additional fees required in connection with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**.
5. A duplicate of this transmittal form is enclosed.

Respectfully submitted,

Dated: Feb. 7, 2007

By: Gerard A. Messina, Reg. No. 35,952

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SPECIAL NOTES REGARDING RCE PROCEDURES

- RCE practice is **not applicable** to provisional applications, design applications, applications filed before June 8, 1995, or during reexamination. See 37 C.F.R. § 1.114(d) below.
- This RCE form **must** be accompanied by a “submission” (e.g., an amendment). See 37 C.F.R. § 1.114(a), (b).

Additional Notes

- Treat claim fee calculation as you would an amendment filed by itself.
- The applicant may not defer paying the fee for an RCE.
- An RCE is entitled to the benefit of a Certificate of Mailing under 37 C.F.R. § 1.8.
- Inventorship carries/continues. Any change must be via 37 C.F.R. § 1.48.
- Small entity status carries/continues.

37 C.F.R. § 1.114(d)

“(d) The provisions of this section **do not** apply in any application in which the Office has not mailed at least one of an Office Action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151. The provisions of this section also **do not** apply to:

- (1) A provisional application;
- (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
- (3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
- (4) An application for a design patent; or
- (5) A patent under reexamination.”

Interim Rule, 65 Fed. Reg. 14865, 14872-73 (March 20, 2000).